

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:19-cv-00915-CJN

PUBLIC CITIZEN, INC. v. UNITED STATES DEPARTMENT
 OF HOUSING AND URBAN DEVELOPMENT
 Assigned to: Judge Carl J. Nichols
 Cause: 05:552 Freedom of Information Act

Date Filed: 04/01/2019
 Jury Demand: None
 Nature of Suit: 895 Freedom of
 Information Act
 Jurisdiction: U.S. Government Defendant

Plaintiff

PUBLIC CITIZEN, INC.

represented by **Rebecca H. Smullin**
 PUBLIC CITIZEN LITIGATION
 GROUP
 1600 20th Street, NW
 Washington, DC 20009
 (202) 588-7714
 Email: rsmullin@citizen.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Adam R. Pulver
 PUBLIC CITIZEN LITIGATION
 GROUP
 1600 20th Street, NW
 Washington, DC 20009
 (202) 588-7790
 Email: apulver@citizen.org
ATTORNEY TO BE NOTICED

V.

Defendant

**UNITED STATES DEPARTMENT OF
 HOUSING AND URBAN
 DEVELOPMENT**

represented by **April Denise Seabrook**
 U.S. ATTORNEY'S OFFICE FOR THE
 DISTRICT OF COLUMBIA
 555 Fourth Street, NW
 Washington, DC 20530
 (202) 252-2525
 Fax: (202) 252-2599
 Email: april.seabrook@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John Cuong Truong
 U.S. ATTORNEY'S OFFICE FOR THE
 DISTRICT OF COLUMBIA
 555 Fourth Street, NW
 Washington, DC 20530
 (202) 252-2524
 Fax: (202) 252-2599
 Email: john.truong@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew Evan Kahn
 U.S. DEPARTMENT OF JUSTICE
 Fraud Section
 1400 New York Ave. NW
 Washington, DC 20005
 (202) 305-1648

| Date Filed | # | Docket Text |
|------------|-----------|--|
| 04/01/2019 | <u>1</u> | COMPLAINT against UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (Filing fee \$ 400 receipt number 0090-6033740) filed by PUBLIC CITIZEN, INC.. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons)(Pulver, Adam) (Entered: 04/01/2019) |
| 04/01/2019 | <u>2</u> | LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by PUBLIC CITIZEN, INC. (Pulver, Adam) (Entered: 04/01/2019) |
| 04/02/2019 | | Case Assigned to Judge Royce C. Lamberth. (zef,) (Entered: 04/02/2019) |
| 04/02/2019 | <u>3</u> | SUMMONS (3) Issued Electronically as to UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, U.S. Attorney and U.S. Attorney General. (Attachments: # <u>1</u> Notice and Consent)(zef,) (Entered: 04/02/2019) |
| 04/05/2019 | <u>4</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 4/2/2019. Answer due for ALL FEDERAL DEFENDANTS by 5/2/2019. (Pulver, Adam) (Entered: 04/05/2019) |
| 04/17/2019 | <u>5</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 04/08/2019. (Pulver, Adam) (Entered: 04/17/2019) |
| 05/02/2019 | <u>6</u> | NOTICE of Appearance by Matthew Evan Kahn on behalf of UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (Kahn, Matthew) (Entered: 05/02/2019) |
| 05/02/2019 | <u>7</u> | ANSWER to Complaint by UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.(Kahn, Matthew) (Entered: 05/02/2019) |
| 05/03/2019 | <u>8</u> | ORDER: Per Local Rule 16.3(b)(10), the Court ORDERS the government to file a Vaughn index and supporting dispositive motion within thirty days. Signed by Judge Royce C. Lamberth on 05/03/2019. (lcrc13) (Entered: 05/03/2019) |
| 05/06/2019 | | Set/Reset Deadlines: Vaughn Index with supporting Dispositive Motions due by 6/3/2019. (lsj) (Entered: 05/06/2019) |
| 06/03/2019 | <u>9</u> | MOTION to Vacate <i>Dispositive Motion Deadline</i> by UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (Kahn, Matthew) (Entered: 06/03/2019) |
| 06/03/2019 | <u>10</u> | Memorandum in opposition to re <u>9</u> MOTION to Vacate <i>Dispositive Motion Deadline</i> filed by PUBLIC CITIZEN, INC.. (Attachments: # <u>1</u> Text of Proposed Order)(Pulver, Adam) (Entered: 06/03/2019) |
| 06/04/2019 | <u>11</u> | REPLY to opposition to motion re <u>9</u> MOTION to Vacate <i>Dispositive Motion Deadline</i> filed by UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (Kahn, Matthew) (Entered: 06/04/2019) |
| 06/24/2019 | | Case directly reassigned to Judge Carl J. Nichols. Judge Royce C. Lamberth is no longer assigned to the case. (rj) (Entered: 06/24/2019) |
| 07/01/2019 | <u>12</u> | NOTICE of Appearance by Rebecca H. Smullin on behalf of PUBLIC CITIZEN, INC. (Smullin, Rebecca) (Entered: 07/01/2019) |
| 07/11/2019 | | MINUTE ORDER. Upon consideration of Defendants <u>9</u> Motion to Vacate Dispositive Motion Deadline, it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that the parties shall meet and confer and file a joint status report no later than July 18, 2019. Signed by Judge Carl J. Nichols on July 11, 2019. (lccjn1) (Entered: 07/11/2019) |
| 07/11/2019 | | Set/Reset Deadlines/Hearings: Joint Status Report due by 7/18/2019. (zcdw) (Entered: 07/12/2019) |

| | | |
|------------|-----------|--|
| 07/18/2019 | <u>13</u> | Joint STATUS REPORT by PUBLIC CITIZEN, INC.. (Pulver, Adam) (Entered: 07/18/2019) |
| 08/07/2019 | <u>14</u> | MOTION for Partial Summary Judgment by PUBLIC CITIZEN, INC. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration of Adam R. Pulver, # <u>3</u> Exhibit 1, # <u>4</u> Exhibit 2, # <u>5</u> Exhibit 3, # <u>6</u> Exhibit 4, # <u>7</u> Exhibit 5, # <u>8</u> Exhibit 6, # <u>9</u> Text of Proposed Order)(Pulver, Adam) (Entered: 08/07/2019) |
| 08/13/2019 | | VACATED PURSUANT TO COURT'S ORDER OF 9/5/2019.....MINUTE ORDER. In light of the Parties' <u>13</u> Joint Status Report and Plaintiff's <u>14</u> Motion for Partial Summary Judgment, it is hereby ORDERED that Defendant shall process potentially responsive records at a rate of 500 pages per month until processing is complete, and that Defendant shall produce responsive, non-exempt records at the end of each month with the next production of documents occurring at the end of August 2019. It is further ORDERED that the Parties shall file an additional Joint Status Report by August 19, 2019. Signed by Judge Carl J. Nichols on August 13, 2019. (lccjn1) Modified text on 9/9/2019 (zcdw). (Entered: 08/13/2019) |
| 08/14/2019 | | Set/Reset Deadlines: Additional Joint Status Report due by 8/19/2019. (mac) (Entered: 08/14/2019) |
| 08/16/2019 | <u>15</u> | Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (Kahn, Matthew) (Entered: 08/16/2019) |
| 08/16/2019 | <u>16</u> | MOTION to Hold in Abeyance re <u>14</u> MOTION for Partial Summary Judgment or, MOTION for Extension of Time by UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (Kahn, Matthew). Added MOTION for Extension of Time to on 8/19/2019 (jf). (Entered: 08/16/2019) |
| 08/19/2019 | <u>17</u> | Memorandum in opposition to re <u>16</u> MOTION to Hold in Abeyance re <u>14</u> MOTION for Partial Summary Judgment MOTION for Extension of Time to filed by PUBLIC CITIZEN, INC.. (Pulver, Adam) (Entered: 08/19/2019) |
| 08/20/2019 | | MINUTE ORDER. Upon review of Defendant's <u>16</u> Motion to Hold in Abeyance Plaintiff's <u>14</u> Motion for Partial Summary Judgment, or, in the alternative, Motion for Extension of Time, and considering defense counsel's representations of impending trial obligations, it is hereby ORDERED that the Motion is DENIED in part and GRANTED in part. Defendant shall file a Memorandum in Opposition to Plaintiff's <u>14</u> Motion for Partial Summary Judgment on or before September 23, 2019. Signed by Judge Carl J. Nichols on August 20. 2019. (lccjn2) (Entered: 08/20/2019) |
| 08/20/2019 | | Set/Reset Deadlines/Hearings: Response to <u>14</u> due by 9/23/2019. (zcdw) (Entered: 08/21/2019) |
| 08/23/2019 | <u>18</u> | MOTION for Extension of Time to <i>Produce Responsive Records</i> by UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (Kahn, Matthew) (Entered: 08/23/2019) |
| 08/26/2019 | <u>19</u> | Memorandum in opposition to re <u>18</u> MOTION for Extension of Time to <i>Produce Responsive Records</i> filed by PUBLIC CITIZEN, INC.. (Attachments: # <u>1</u> Text of Proposed Order)(Pulver, Adam) (Entered: 08/26/2019) |
| 09/05/2019 | | MINUTE ORDER. Upon review of Defendant's <u>18</u> Motion for Extension of Time, and in consideration of defense counsel's previously identified trial obligations, it is hereby ORDERED that the motion is GRANTED. The Court's production order of August 13, 2019 is hereby VACATED. Defendant shall process potentially responsive records at a rate of 500 pages per month until processing is complete, and Defendant shall produce the first set of responsive, non-exempt records by September 23, 2019. The next production shall occur by October 31, 2019, and subsequent production shall occur at the end of each month thereafter. The Parties shall file an additional Joint Status Report by September 30, 2019. Further requests for extensions will be strongly disfavored. Signed by Judge Carl J. Nichols on September 5, 2019. (lccjn2) (Entered: 09/05/2019) |
| 09/05/2019 | | Set/Reset Deadlines/Hearings: Joint Status Report due by 9/30/2019. (zcdw) (Entered: 09/09/2019) |

| | | |
|------------|-----------|---|
| 09/23/2019 | <u>20</u> | Consent MOTION for Extension of Time to File Response/Reply as to <u>14</u> MOTION for Partial Summary Judgment by UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (Kahn, Matthew) (Entered: 09/23/2019) |
| 09/24/2019 | | MINUTE ORDER. Upon review of Defendant's <u>20</u> Consent Motion for Extension of Time to File Response, it is hereby ORDERED that the motion is GRANTED. Defendant shall file its response to Plaintiff's <u>14</u> Motion for Partial Summary Judgment by September 26, 2019. Plaintiff shall file its Reply by October 3, 2019. Signed by Judge Carl J. Nichols on September 24, 2019. (lccjn2) (Entered: 09/24/2019) |
| 09/24/2019 | | Set/Reset Deadlines/Hearings: Reply to Motion for Partial Summary Judgment due by 10/3/2019. (zcdw) (Entered: 09/29/2019) |
| 09/26/2019 | <u>21</u> | Memorandum in opposition to re <u>14</u> MOTION for Partial Summary Judgment filed by UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration)(Kahn, Matthew) (Entered: 09/26/2019) |
| 09/26/2019 | <u>22</u> | Cross MOTION for Partial Summary Judgment by UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration)(Kahn, Matthew) (Entered: 09/26/2019) |
| 09/27/2019 | <u>23</u> | Joint STATUS REPORT by PUBLIC CITIZEN, INC.. (Pulver, Adam) (Entered: 09/27/2019) |
| 10/03/2019 | <u>24</u> | REPLY to opposition to motion re <u>14</u> MOTION for Partial Summary Judgment filed by PUBLIC CITIZEN, INC.. (Attachments: # <u>1</u> Declaration of Adam R. Pulver, # <u>2</u> Exhibit 7)(Pulver, Adam) (Entered: 10/03/2019) |
| 10/03/2019 | <u>25</u> | Memorandum in opposition to re <u>22</u> Cross MOTION for Partial Summary Judgment filed by PUBLIC CITIZEN, INC.. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration of Adam R. Pulver, # <u>3</u> Exhibit 7, # <u>4</u> Text of Proposed Order)(Pulver, Adam) (Entered: 10/03/2019) |
| 10/08/2019 | <u>26</u> | NOTICE OF SUBSTITUTION OF COUNSEL by April Denise Seabrook on behalf of UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT Substituting for attorney Matthew Kahn (Seabrook, April) (Entered: 10/08/2019) |
| 10/08/2019 | <u>27</u> | MOTION for Extension of Time to File Response/Reply as to <u>22</u> Cross MOTION for Partial Summary Judgment by UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (Seabrook, April) (Entered: 10/08/2019) |
| 10/08/2019 | | MINUTE ORDER. Upon review of Defendant's <u>27</u> Motion for Extension of Time to File Reply, it is hereby ORDERED that the motion is granted in part. Defendant shall file its reply to Plaintiff's <u>25</u> Memorandum in Opposition by October 24, 2019. Signed by Judge Carl J. Nichols on October 8, 2019. (lccjn2) (Entered: 10/08/2019) |
| 10/08/2019 | | Set/Reset Deadlines/Hearings: Defendant's reply due by 10/24/2019. (zcdw) (Entered: 10/11/2019) |
| 10/23/2019 | <u>28</u> | REPLY to opposition to motion re <u>22</u> Cross MOTION for Partial Summary Judgment filed by UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (Seabrook, April) (Entered: 10/23/2019) |
| 10/25/2019 | | MINUTE ORDER. Upon review of the Parties' <u>14</u> and <u>22</u> Cross-Motions for Partial Summary Judgment, it is hereby ORDERED that the Parties shall submit a Joint Status Report by December 12, 2019. The Court expects that production of records will continue while the cross-motions remain pending. Signed by Judge Carl J. Nichols on October 25, 2019. (lccjn2) (Entered: 10/25/2019) |
| 10/25/2019 | | Set/Reset Deadlines: Parties Joint Status Report due by 12/12/2019. (mac) (Entered: 10/25/2019) |
| 10/28/2019 | | Set/Reset Deadlines: Parties Joint Status Report due by 12/12/2019. (mac) (Entered: 10/28/2019) |

| | | |
|------------|-----------|--|
| 12/12/2019 | <u>29</u> | Joint STATUS REPORT by PUBLIC CITIZEN, INC.. (Pulver, Adam) (Entered: 12/12/2019) |
| 12/16/2019 | | MINUTE ORDER. Upon review of the Parties' <u>29</u> Joint Status Report, it is hereby ORDERED that the Parties shall file a Joint Status Report by January 17, 2020. Signed by Judge Carl J. Nichols on December 16, 2019. (lccjn2) (Entered: 12/16/2019) |
| 12/16/2019 | | Set/Reset Deadlines/Hearings: Joint Status Report due by 1/17/2020. (zcdw) (Entered: 12/17/2019) |
| 01/15/2020 | <u>30</u> | Joint STATUS REPORT by PUBLIC CITIZEN, INC.. (Pulver, Adam) (Entered: 01/15/2020) |
| 01/16/2020 | | MINUTE ORDER. Upon review of the Parties' <u>30</u> Joint Status Report, it is hereby ORDERED that the Parties shall submit a Joint Status Report by February 14, 2020. Signed by Judge Carl J. Nichols on January 16, 2020. (lccjn2) (Entered: 01/16/2020) |
| 01/17/2020 | | Set/Reset Deadlines: Joint Status Report due by 2/14/2020. (mac) (Entered: 01/17/2020) |
| 02/14/2020 | <u>31</u> | Joint STATUS REPORT by PUBLIC CITIZEN, INC.. (Pulver, Adam) (Entered: 02/14/2020) |
| 02/18/2020 | | MINUTE ORDER. Upon review of the Parties' <u>31</u> Joint Status Report, it is hereby ORDERED that the Parties shall file a Joint Status Report by March 16, 2020. Signed by Judge Carl J. Nichols on February 18, 2020. (lccjn2) (Entered: 02/18/2020) |
| 02/18/2020 | | Set/Reset Deadlines/Hearings: Joint Status Report due by 3/16/2020. (zcdw) (Entered: 02/19/2020) |
| 03/13/2020 | <u>32</u> | Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (Seabrook, April) (Entered: 03/13/2020) |
| 03/16/2020 | | MINUTE ORDER. Upon review of the Parties' <u>32</u> Joint Status Report, it is hereby ORDERED that the Parties shall file a Joint Status Report by April 17, 2020. Signed by Judge Carl J. Nichols on March 16, 2020. (lccjn2) (Entered: 03/16/2020) |
| 03/26/2020 | <u>33</u> | ORDER. Signed by Judge Carl J. Nichols on March 26, 2020. (lccjn2) (Entered: 03/26/2020) |
| 03/26/2020 | <u>34</u> | MEMORANDUM AND OPINION. Signed by Judge Carl J. Nichols on March 26, 2020. (lccjn2) (Entered: 03/26/2020) |
| 04/17/2020 | <u>35</u> | Unopposed MOTION for Extension of Time to <i>file Joint Status Report</i> by UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (Truong, John) (Entered: 04/17/2020) |
| 04/19/2020 | | MINUTE ORDER. Upon review of Defendant's <u>35</u> Unopposed Motion for Extension of Time, it is hereby ORDERED that the Motion is GRANTED. The Parties shall file a Joint Status Report by April 21, 2020. Signed by Judge Carl J. Nichols on April 19, 2020. (lccjn2) (Entered: 04/19/2020) |
| 04/21/2020 | <u>36</u> | Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (Truong, John) (Entered: 04/21/2020) |
| 04/23/2020 | | MINUTE ORDER. Upon review of the Parties' <u>36</u> Joint Status Report, it is hereby ORDERED that the Parties shall file a Joint Status Report by June 30, 2020. Signed by Judge Carl J. Nichols on April 23, 2020. (lccjn2) (Entered: 04/23/2020) |
| 04/23/2020 | | Set/Reset Deadlines/Hearings: Joint Status Report due by 6/30/2020. (zcdw) (Entered: 04/26/2020) |
| 06/30/2020 | <u>37</u> | Joint STATUS REPORT by PUBLIC CITIZEN, INC.. (Pulver, Adam) (Entered: 06/30/2020) |
| 07/01/2020 | | MINUTE ORDER. Upon review of the Parties' <u>37</u> Joint Status Report, it is hereby ORDERED that Defendant shall complete its production of responsive records by July 31, 2020. It is further ORDERED that the Parties shall file a Joint Status Report by August 7, 2020. The Joint Status Report shall contain information about whether the Parties intend to renew their dispositive motions and, if so, propose an expedited |

| | |
|------------|---|
| | briefing schedule. Signed by Judge Carl J. Nichols on July 1, 2020. (lccjn2) (Entered: 07/01/2020) |
| 07/01/2020 | Set/Reset Deadlines: Production of responsive records due by 7/31/2020. Joint Status Report due by 8/7/2020. (zcal) (Entered: 07/02/2020) |